

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NDF1, LLC,

*Plaintiff,*

Case No.: 24-cv-04009-NSR

-against -

JOSEPH BARATTA; DONNA BARATTA; M&T BANK; “JOHN DOE” and “JANE DOE,” the last two names being fictitious, said parties intended being tenants or occupants, if any, having or claiming an interest in, or lien upon, the premises described in the complaint,

*Defendant.*

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**NOTICE OF MOTION TO  
STRIKE JURY DEMAND**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that upon the Memorandum of Law, the Declaration of Shauna M. DeLuca, Esq., dated July 1, 2024, with accompanying exhibits annexed thereto, and upon all prior proceedings and pleadings, Plaintiff NDF1, LLC (the “Plaintiff”) by its attorneys Hasbani & Light, P.C., will move this Court at the United States District Court for the Southern District located at 300 Quarropas St., White Plains, NY 10601 on a date and time to be designated by the Court for an order pursuant to Federal Rule of Civil Procedure 39(a)(2) and 12(f) striking Defendants Joseph Baratta and Donna Baratta’s (“Defendants”) Jury Demand, and for such further relief as the Court deems just and proper.

Any answering papers must be served on the undersigned within fourteen (14) days after service of Plaintiff’s motion, and reply papers, if any, must be served within seven (7) days after service of Defendants’ opposition

Dated: July 1, 2024

**HASBANI & LIGHT, P.C.**

/s/ Shauna M. DeLuca

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